

**Notice of Allowability**

Application No.

10/810,462

Examiner

CHARLES CHOW

Applicant(s)

MOORTI ET AL.

Art Unit

2618

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/21/2008.
2. ☒ The allowed claim(s) is/are 3,4,6,7,9,10,13,14,16,17,19,20,23,24,27 and 29-66.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application   |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>6/25/2008</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____     | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                          |
|  | 9. <input type="checkbox"/> Other ____.   |

**Detailed Action**

1. This office action is for amendment received on 5/21/2008.

**EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Ronald Davis on 6/25/2008, for the authorization of amending claims 31-33 using the proposed modification, & the changing of "powers" to "signal quality metrics" for claim 33.

**For claim 31,**

**In line 8**, after "coupling parameters", inserting -----between said dwelled-on at least one of a plurality of antennas and one or more of a remainder of said plurality of antennas-----.

**For claim 32,**

**In line 11**, after "coupling parameters", inserting -----between said dwelled-on at least one of a plurality of antennas and one or more of a remainder of said plurality of antennas-----.

**For claim 33,**

**In line 9**, after "coupling parameters", inserting -----between said dwelled-on at least one of a plurality of antennas and one or more of a remainder of said plurality of antennas-----.

**In line 13**, replacing "powers" with -----signal quality metrics-----.

### **Allowable Subject Matter**

3. The following is an examiner's statement of reasons for allowance:

Claims 3,4,6,7,9,10,13,14,16,17,19,20,23,24,27 and 29-66 are allowable over the prior art of record. The prior arts fail to teach the allowable features, singly, particularly, or in combination or rendering obviousness.

Applicant has filed the Terminal Disclaimer for binding Patent Application 10/810,443 to this application.

The cited prior arts fail to teach the allowable limitation features in below, for the determining a gain for said dwelled-on at least one of a plurality of antennas, wherein said gain is based on one or more power coupling parameters between said dwelled on at least one of a plurality of antennas and one or more of a remainder of said plurality of antennas, together with associated other features [ independent claims 31-33],

The cited prior arts fail to teach the limitation features in below, for the selecting said starting antenna based on prior history of selection of a portion of said dwelled on at least one of a plurality of antennas as observed across one or more previous frames, together with associated other features [ independent claims 40, 48, 56].

The dependent claims are also allowable due to their dependency upon the allowable independent claims above and the having additional claimed features.

The closest prior art, **Wright et al. [ US 5,648,992 ]** teaches the selecting a antenna from antennas1/2, step 201, Fig. 8; measuring Rssi at 21 of the dwelled antenna, Fig. 3; the measured quality, Rssi, BER, in receiver 26, col. 4, lines 53-59; the determined gain in gain procedure in Fig. 9 via step 178 in Fig. 7; checking the quality SQL, when not good in step

170; to select antenna at step 180; measuring Rssi at 21, Fig. 3 & col. 4, lines 65-67 ], but fails to teach the above allowable limitation features.

**Miyanaga et al. [ US 2002/0168,039 A1]** teaches the selecting a new antenna for the antenna branches 10a-10z, Fig. 1, based on the information stored in the 18, associated with 24a/24z, switch 17, paragraph 0027-0028, 0052, abstract; for the detected frames in Fig. 2, paragraph 0054], but fails to teach the above allowable limitation features.

Other prior arts in below are also considered, but they fail to teach the above allowable features. They are: Suzuki [ US 5,787,122], Lyons [ US 6,922,549 B2], Todd [US 6,002,672], Feng et al. [ US 7,099,380 B1], Balchandran et al. [ US 5,481,571], McNicol. et al. [US 5,940,454], Xue [US 6,049,705], Herscovich et al. [US 2004,0137,924 A1], Jager [US 6,067,499], Herscovich et al. [US 2004/0137,924 A1].

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Chow whose telephone number is (571) 272-7889. The examiner can normally be reached on 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

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Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Chow /Charles Chow/  
Examiner, Art Unit 2618  
June 25, 2008.

/Edward Urban/  
Supervisory Patent Examiner, Art Unit 2618